

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

SALIH WASIM LUTFI,

Plaintiff,

v.

CIVIL ACTION NO. 5:15-cv-02064

E. STOCK, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

On February 23, 2015, the Plaintiff filed an *Application to Proceed Without Prepayment of Fees and Costs* (Document 1) and a *Complaint* (Document 3) in this matter. By *Standing Order* (Document 4) entered on February 23, 2015, the action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On February 27, 2015, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 5). Therein, it is recommended that this Court deny the Plaintiff's *Application to Proceed Without Prepayment of Fees and Costs*, dismiss the Plaintiff's *Complaint*, and remove this matter from the Court's docket.¹ Objections to the Magistrate Judge's *Proposed*

¹In his *Proposed Findings and Recommendation*, the Magistrate Judge further advised that he would construe one of the Plaintiff's claims under Section 2241 and order the opening of a new action. By separate *Order* (Document 6) of that date, the Magistrate Judge ordered the same. A separate Section 2241 claim (Civil Action 5:15-cv-02318) was opened on that date.

Findings and Recommendation were due by March 16, 2015. No such objections were timely filed by either party.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's *Application to Proceed Without Prepayment of Fees and Costs* (Document 1) be **DENIED**, the Plaintiff's *Complaint* (Document 3) be **DISMISSED**, and this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: March 18, 2015


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA